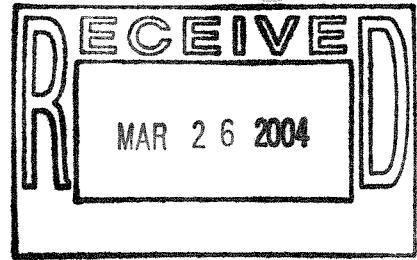


BOS

4/7/1 (2)



## INTERDEPARTMENTAL COMMUNICATION

Acton Board of Health - Telephone 978-264-9634 - Fax 978-264-9630

March 26, 2004

TO: Don Johnson, Town Manager  
FROM: Doug Halley, Health Director  
SUBJECT: Hearing for Town Charter Change

CHRIS -  
1) PLACE IN 3/26 MAIL  
2) PUT A COPY IN AGENDA FOLDER  
FOR 4/7 PRE-TOWN MTG. AGENDA

Attached with this memo please find correspondence from George Hall of Anderson & Kreiger regarding the requirements for enacting a Charter change. In accordance with comment #3 of that letter a hearing has been advertised and published in the Beacon on March 24, 2004 (see attached). The hearing is scheduled for April 7, 2004 in the Cafeteria Meeting Room in the A/B Senior High School at 6:30 P.M.

This Article is the first step in amending the Town Charter by authorizing the Board of Selectmen to appoint Associate Board of Health Members and to authorize the Chairman of a Board or Commission to designate an associate member as a voting participant in cases when a full member is unavailable to vote. This article has been proposed due to the complexity of issues before the Board of Health. These issues have increased the situations when member conflict of interests has required them to be recused from the issue. In some cases this leads to a Board without a quorum and unable to act on the issue. Should Town Meeting approve this Article it will be submitted to the voters at the first regular town election.

## MEMORANDUM

TO: GAH

FROM: DCH

DATE: December 17, 2003

RE: Acton/ Charter Amendment (Board of Health)

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The Town of Acton desires to amend its Town Charter to add three associate members to the Board of Health. There are two ways to amend a charter - the amendment process set forth under G.L. c. 43B, §§ 10-11, or through a special act of the legislature.

The process for amending a charter through G.L. c. 43B is as follows:

- (1) An article “suggesting” a charter amendment must appear on the warrant of a town meeting. The article could be proposed by either:
  - (i) “written request signed by... the town manager or any selectman of a town;” or
  - (ii) “by a petition in substantially the form set forth in [G.L. c. 43B, §15], signed... by at least ten registered voters in the case of a town.”
- (2) The written request by the town manager or selectmen, or the citizens’ petition, must be filed with the town clerk. G.L. c. 43B, §10.
- (3) The Board of Selectmen must, within three months of the filing of the suggested amendment with the town clerk, order that a public hearing be held to consider the suggested amendment. The hearing must be held by either the Board of Selectmen, or any other committee established or selected by the Selectmen for this purpose. The hearing must be held within four months of the filing date, and at least seven days notice of the hearing must be published in a newspaper of general circulation. G.L. c. 43B, §10.
- (4) The committee holding the hearing must report its recommendations on the suggested charter amendment to town meeting. The suggested amendment must be considered not later than the first annual town meeting held at least six months after the filing date. A special town meeting may be called to consider the amendment. G.L. c. 43B, §10.
- (5) If Town Meeting approves the amendment, copies of the amendment must be

filed with the Department of Housing and Community Development and the Attorney General.

- (6) If a favorable opinion of the Attorney General is given on the amendment, the proposed amendment is submitted to the voters at the first regular town election (not special election) held at least two months after the effective date of the Town Meeting action (four weeks after the date the proposed amendment was submitted to the Attorney General). The question of approving the charter amendment in substantially the same form as below:

“Shall this Town approve the charter amendment proposed by Town Meeting summarized below?”

- (7) At least two weeks prior to the election, the Board of Selectmen must distribute a copy of the proposed amendment to each residence of one or more registered voters. G.L. c. 43B, §11.

This statutory process is consistent with the provisions for amending the Acton Charter set forth in the Charter itself, Section 8-3.

The process for amending a charter through a special act of the legislature is the same as with any home rule petition. This process would circumvent the process set forth in the Charter itself, however.

**Easter events**

Adoration until 11:40 p.m. followed by Night Prayer  
Good Friday, April 9  
9:15 a.m., Morning Prayer  
3 p.m., Celebration of the Lord's Passion

7 p.m., Evening Prayer  
Holy Saturday, April 10;  
9:15 a.m., Morning Prayer  
8:30 p.m., Easter Vigil  
Easter Sunday, April 11;  
Mass at 8 a.m., 10 a.m., noon

**First Parish of Stow and Action**

Located on the Common in Stow at the intersection of Routes 117 and Route 62, the buildings are handicapped accessible. Further information may be obtained by calling the church at 978/897-3149.

**St. Matthews United Methodist Church**

The church is located at 435 Central St., Action. For information, call AD#464244.

**AMENDMENT****LEGAL NOTICE**  
**Notice of Hearing**  
**Article 51 - Town of Action Charter Change**

The Board of Selectmen on April 7, 2004 at 6:30 p.m. in the Cafeteria Meeting Room of the Action-Boxborough Regional Senior High School will hold a hearing for an amendment to the Town Charter as specified in Article 51 of the 2004 Annual Town Meeting Warrant. For more information please contact the Action Health Department at 978-264-9634.

**AD#464244****Action Beacon 3/25/04****BOA/SUMMER ROAD****LEGAL NOTICE**  
**NOTICE OF PUBLIC HEARING**

Pursuant to MGL 40B,c.21, a public hearing will be held before the Boxborough Board of Appeals on Monday, April 5, 2004 at 6:30 p.m. in the upstairs portion of the Boxborough Town Hall, 29 Middle Road, Boxborough, MA, to consider a request to amend Comprehensive Permit Decision No. 2002-11. This request has been submitted by D'Agostine, Levine, Parra & Netburn, P.C. on behalf of their clients, Summer Road Development, LLC - Summerfields Condominium.

**AD#464244****Action Beacon 3/25/04****ATHLETIC SUPPLIES and EQUIPMENT**

Specifications may be obtained at the Office of Superintendent of Schools, Raymond J. Grey Junior High School, 16 Charter Road, Action. Massachusetts 01720 between 8:00 a.m. and 4:00 p.m. on Thursday, March 25, 2004.

**Sealed Bids will be accepted until**

2:30 p.m. on Friday, April 9, 2004

**at which time they will be opened and read**

at the Raymond J. Grey Junior High School Business Office, 16 Charter Road, Action, Massachusetts 01720.

The School Committee reserves the right to accept or reject any or all bids in whole or in part, and to award the contract as they deem to be in the best interest of the Action-Boxborough Regional School District.

**AD#464511****Action Beacon 3/18, 3/25/04****BOA/1190 LIBERTY SQUARE RD.****LEGAL NOTICE****OF PUBLIC HEARING**

Pursuant to MGL Ch 40A, and Section 234 & 3270 of the Boxborough Zoning By-Law, a public hearing will be held before the

Boxborough Board of Appeals on April 6, 2004 at 7:00 p.m.

**AD#464243****Action Beacon 3/25/04****JOHNSON**

Commonwealth of Massachusetts

noticed the regions' international following, noting American-born members, as well as those from China, India, and many, like himself, from Iran, seated at the ban-quet tables.

In the Bahá'í tradition, Nah Ruz marks the end of a 19-day period in which observers fast each day from sunrise to sunset. "It is self-discipline, detachment, and just a way to get closer to God," said Shahan Darvish of Jamaica Plain, who attended with her hus-band of 34 years, Bijan, who

believe God's spiritual truths are revealed through the works of the world's religious leaders, including Christ, Mohammed, Buddha, and Krishna.

"It is monotheism that Bahá'ís are more confident," he said. "The Bahá'í religion dates back 161 years and has about 5 million members in 235 countries, according to the official Bahá'í Web site.

Its founder, known as Bahá'u'lláh, is recalled as declaring, "The Earth is but one country and mankind its citizens."

"The Earth is but one country and mankind its citizens."

Bahá'ís are monotheists who believe God's spiritual truths are revealed through the works of the world's religious leaders, including Christ, Mohammed, Buddha, and Krishna.

**LEGAL NOTICES**

**The Trial Court**  
**MIDDLESEX Division**  
**Docket No. 03P2798EP1**

In the Estate of RICHARD J. DOMNEY

**Late of ACTON****In the County of MIDDLESEX****Date of Death June 1, 2003****NOTICE OF PETITION**  
**FOR PROBATE OF WILL**

To all persons interested in the above captioned estate, a petition has been present-ed praying that a document purporting to be the last will of said decedent be proved and allowed, and that CECILIA B. DOMNEY of appointed executors, named in the will to serve without surely.

**IF YOU DESIRE TO OBJECT THERETO,**  
**YOU OR YOUR ATTORNEY MUST FILE A**  
**WRITTEN APPEARANCE IN THE**  
**COURT AT CAMBRIDGE ON OR**  
**BEFORE TEN O'CLOCK IN THE**  
**FORENOON (10:00 AM) ON APRIL 7,**  
**2004.**

In addition, you must file a written affidavit of objections to the petition, stating specific facts and grounds upon which the objection is based, within thirty (30) days after the return day for such other time as the court allows or motion with notice to the petitioner, may allow, in accordance with Probate Rule 16.

**WITNESS:** HON. BEVERLY WEINGER BOORSTEIN, ESQUIRE, First Justice of said Court at CAMBRIDGE this day, March 2, 2004.

**John R. Buonomo**  
Register of Probate  
Probate and Family Court Department  
MIDDLESEX Division  
Docket No. 03P2833EP1

**VA LADE****LEGAL NOTICE****Commonwealth of Massachusetts**

The Trial Court  
Probate and Family Court Department  
MIDDLESEX Division  
Docket No. 03P2833EP1

**In the Estate of ALBERT E. VALADE****Late of ACTION****In the County of MIDDLESEX****Date of Death July 13, 2003****NOTICE OF PETITION FOR**  
**PROBATE OF WILL**

To all persons interested in the above cap-tioned estate, a petition has been present-ed praying that a document purporting to be the last will of said decedent be proved and allowed, and that GLEN GRANT VALADE of ACTION in the County of MIDDLESEX be appointed executors, named in the will to serve without surely.

work to convert others. "The last thing you want to try to do is force anything on anyone," she said. "We really try to have respect for others' beliefs."

At first, her mother was concerned, fearful her daughter had joined a cult. "She was wild to see it was something I made up my mind about," she said.

Bahá'ís value education, noted Lustwerk, but said the religion is not restricted to people with privileges. She recalled a 1995 trip to Hungary, where she and her hus-band met with Romany Gypsies — Europe's largest minor-ity group, with a long history of persecution. While Gypsies have high rates of poverty and illiteracy, she said those she lives

with are monotheists who believe God's spiritual truths are revealed through the works of the world's religious leaders, including Christ, Mohammed, Buddha, and Krishna.

